

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

United States of America

v.

Brian Joseph Roberts
311 5th Street
Washington Court House, Ohio 43160

Case No. 2:23-mj-573

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 2022 and June 2023 in the county of Highland in the
Southern District of Ohio, the defendant(s) violated:

*Code Section**Offense Description*18 U.S.C. § 225118 U.S.C. §§ 2252, 2252A

Sexual Exploitation of a Minor

Distribution, Receipt, and Possession of Child Pornography

This criminal complaint is based on these facts:

See attached affidavit incorporated herein by reference

☒ Continued on the attached sheet.*Bianca Ragone**Complainant's signature*

HSI SA Bianca Ragone

Printed name and title

Sworn to before me and signed in my presence.

October 17, 2023

Date:

City and state:

Columbus, Ohio

Kimberly A. Tolson

United States Magistrate Judge



**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In the matter of:

United States of America	:	
v.	:	Case No.: 2:23-mj-573
Brian Joseph Roberts	:	Magistrate Judge:
311 5th Street	:	
Washington Court House, Ohio 43160	:	<u>UNDER SEAL</u>

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Bianca Ragone (Your Affiant), a Special Agent (SA) with the Homeland Security Investigations (HSI), being first duly sworn, hereby depose and state as follows:

1. I, Special Agent Bianca Ragone (your affiant), make this affidavit in support of a criminal complaint to arrest for violations of 18 U.S.C. §§ 2251, 2252 and 2252A - the sexual exploitation of a minor, advertisement, distribution, receipt, and possession of child pornography. Since this affidavit is being submitted for the limited purpose of securing a criminal complaint and arrest warrant, your affiant did not include each and every fact known concerning this investigation. Your affiant did not withhold any information or evidence that would negate probable cause. Your affiant set forth only the facts that are believed to be necessary to establish probable cause that Brian Joseph Roberts (**ROBERTS**) committed the violations listed above.
2. I am a Special Agent (SA) of Homeland Security Investigations (HSI), assigned to the Office of the Assistant Special Agent in Charge, Columbus, Ohio since September 2019. During my tenure as a Special Agent, I have completed the Criminal Investigator Training Program (CITP) and the Homeland Security Investigations Special Agent Training Program (HSISAT) at the Federal Law Enforcement Training Center (FLETC) in Glync, Georgia. During CITP and HSISAT I have received training that included cybercrimes, sexual exploitation of minors, child pornography, and the dark web. I am currently based out of the Guernsey County Sheriff's Office (GCSO), and I am responsible for enforcing federal law in numerous counties in the Southern District of Ohio. Prior to that I was assigned to the Franklin County Internet Crimes Against Children (ICAC) Task Force investigating child exploitation offenses between November 2019 and February of 2022. Prior to that, I worked for the Federal Bureau of Investigation for three years as a Student Work Force Trainee on a Violent Crimes Task Force working child exploitation cases. As a Special Agent, I frequently participate in the execution of search warrants involving child exploitation offenses and I work closely with HSI Computer Forensic Specialists throughout these investigations and prosecutions. Moreover, I am a federal law enforcement officer who is engaged in enforcing federal criminal laws, including 18 U.S.C.

§§ 2251, 2252, and 2252A, and I am authorized by law to request a criminal complaint and arrest warrant.

3. On August 4, 2023, Homeland Security Investigations (HSI) initiated an investigation of **ROBERTS** as a result of information obtained regarding individuals that had accessed dark web sites and forums dedicated to sexual abuse and exploitation of children. More specifically, law enforcement learned that an individual, now known to be **ROBERTS**, was utilizing the moniker “b [REDACTED]” on these various dark web sites.
4. The information initially obtained about **ROBERTS** revealed that on or about August 4, 2023, at 6:45pm, **ROBERTS** utilized the “b [REDACTED]” account and advertised child sexual abuse images via a post on a dark web site. Attached to this post were approximately 195 images broken down into seven different categories by the “b [REDACTED]” account. [REDACTED]
5. Of the 195 images uploaded by **ROBERTS** to the dark web site, approximately 107 images depicted minor children engaged in sexually explicit conduct, specifically the lascivious exhibition of the genitalia, anus, and pubic region of the child with a specific focus on age ranges for babies and toddlers. For example, a file [REDACTED] depicted a baby, approximately three weeks of age, completely nude with his penis and scrotum exposed to the camera.
6. Further investigation by HSI revealed that **ROBERTS** had utilized the “b [REDACTED]” persona across various dark web sites dedicated to the sexual abuse of children. For example, between approximately March 26, 2022, and June 16, 2023, **ROBERTS** used his “b [REDACTED]” account to upload and distribute approximately 22 files on a specific dark web site dedicated to the advertisement and distribution of child pornography and the discussion of matters pertinent to the sexual abuse of children (herein after Target Website). **ROBERTS** then subsequently deleted these files off the Target Website. However, in the timeframe that these files were available on the Target Website, members of law enforcement were able to download the files in an undercover capacity and preserve them.
7. Of note was that of the 22 files uploaded to the Target Website by **ROBERTS** via the “b [REDACTED]” account, approximately 19 were videos depicting child sexual abuse material and three were images depicting the same. An approximately three-to-four-year-old male (herein after referred to as Minor Victim One or MV1), was depicted in all of these approximately 22 files. One of the videos of MV1 preserved from **ROBERTS** “b [REDACTED]” post was an approximately 3 minute and 6 second video titled “Preview.mp4”. This video depicted MV1 with his nude penis and scrotum exposed to the camera. The video appeared to be a compilation of segments from a specific instance of abuse that was initially captured during a longer video and then paired down. In the video, MV1 has his hand wrapped around his own nude penis. In addition, the upper thighs and pubic region of an adult male with dark body hair was visible and the adult male appeared to be laying underneath MV1 with MV1 laying on his back on top of the

adult male. The feet of MV1 appeared to be propped up onto the adult male's thighs with his back against the adult male's stomach. Later in the video, MV1 used his hand to lift up his penis for the camera to focus more on his scrotum and anus and then the adult male hand used his own hand to touch the penis of MV1. The video then cut to a different segment which depicted MV1 laying on his back with his nude penis, scrotum, and anus exposed. The rest of the video also continued to jump around with compilations of up-close videos depicting the nude penis, anus, and scrotum of MV1. The video then ended with the words "NEXT TIME....POTTY FUN!" posted across the screen with the MV1's nude penis visible.

8. Further investigation into **ROBERTS**'s dark web activities led to the identification of **ROBERTS**'s email address, listed as brianroberts382@yahoo.com, and telephone number, listed as (740) 620-6587.

9. On August 15, 2023, law enforcement served legal process to AT&T after learning that the telephone number (740) 620-6587 resolved there. On August 16, 2023, AT&T responded with the following information:

Name:	Brian Roberts
Address:	Greenfield, Ohio 45123 ¹
Activation Date:	12/4/2022-to the present as of 8/15/2023

10. On August 23, 2023, law enforcement issued legal process to Yahoo, Inc. for account information related to the email address brianroberts382@yahoo.com. In a return response, Yahoo provide the following account information:

Account Registration Date:	April 7, 2015, at 23:28:55
Registration IP:	24.210.93.18.
Name:	Brian Roberts
County:	US
Recovery Phone:	(740) 463-9368

11. A search of the registry of motor vehicles of Ohio for a Brian Roberts revealed Brian Joseph **ROBERTS** with a date of birth of February 15, 1980, residing at 623 Columbus Avenue in Washington Court House, Ohio.

12. Additional research showed that **ROBERTS** was a Tier II registered sex offender in the State of Ohio. The records indicated **ROBERTS** was found guilty after pleading No Contest in the Court of Common Pleas, Madison County, Ohio, to Pandering Obscenity Involving Juveniles in violation of Ohio Revised Code Section 2907.321(a)(5), a felony in the fifth degree under case number 2000CR2009. The defendant was sentenced to six months incarceration and five years of Post Release Control on August 22, 2000. Additionally, **ROBERTS** was found guilty after pleading Guilty in the Court of Common Pleas, Clark County, Ohio, to Pandering Obscenity Involving a Minor with a specification of a prior conviction in violation of Ohio Revised Code Section 2907.321, a felony of the third degree under case number 09CR1005. **ROBERTS** was sentenced to five years

¹ The full address was provided in the return results from AT&T but has been redacted for victim protection purposes related to this investigation.

incarceration and five years of supervised release and required to continue his registration as a sex offender. In addition, as of August 21, 2023, **ROBERTS** had registered his address at a location in Greenfield, Ohio, the same one noted in the AT&T subpoena listed above.

13. On or about August 30, 2023, law enforcement discovered through **ROBERTS**'s Ohio Electronic Sex Offender Registration and Notification (eSORN) account that he was registering as a sex offender with the Fayette County Sheriff's Office (FCSO). Law enforcement contacted the FCSO and learned **ROBERTS** had listed himself as homeless as of August 23, 2023. However, FCSO still required a physical address of where they could reach him, and **ROBERTS** provided 311 5th Street Washington Court House, Ohio 43160 as his listed address. Additionally, in the following days, **ROBERTS** further clarified with FCSO that he was residing in the shed behind the house at that address. **ROBERTS** also disclosed to FCSO that his phone number was (740) 620-6587, which is the same telephone number listed **ROBERTS** listed above associated to his dark web site accounts.
14. On August 31, 2023, FCSO sent a deputy to the 5th Street address in Washington Court House, Ohio for a check-in on **ROBERTS**. **ROBERTS** was present and informed the deputy he was residing in the shed behind the house. Since August 23, 2023, to present date, **ROBERTS** has only ever listed the Washington Court House, Ohio location as his residence address. Additionally, FCSO informed investigators that **ROBERTS** did not have a vehicle but rode a white bike to get around town and photographs of that bike were obtained by your affiant.
15. On or about September 25, 2023, law enforcement learned that **ROBERTS** had an active warrant issued by the Greenfield Police Department (GPD) in Highland County, Ohio. Investigators made contact with GCPD and was informed that the warrant for **ROBERTS** was active and that the warrant had been issued for Telecommunications Harassment. In further investigation into this warrant, investigators learned that **ROBERTS** had been harassing a female, herein after referred to as Jane Doe, in Highland County, Ohio and that **ROBERTS** had previously resided with Jane Doe at the Greenfield, Ohio address. Law enforcement also learned that at the time **ROBERTS** lived with Jane Doe, a prepubescent male minor also resided with them. Images of the prepubescent male were obtained by law enforcement and ultimately identified as MV1, the minor child depicted in the images and videos distributed by **ROBERTS** on the Target Website.
16. In further confirmation of MV1's identity in the child sexual abuse material, your affiant learned **ROBERTS** was evicted from the Greenfield, Ohio address in approximately August of 2023. The investigation revealed that **ROBERTS** resided with MV1 and Jane Doe at that Greenfield, Ohio address from approximately November of 2022 through August 2023. During that time, MV1 was approximately three to four years old and shared a bedroom with **ROBERTS**. Jane Doe slept in a different bedroom and MV1 would either sleep with **ROBERTS** or Jane Doe depending on the night. **ROBERTS** shoes were identified in two sanitized screenshots of the child sexual abuse material showed to Jane Doe. Additionally, your affiant learned that upon his eviction from the Greenfield, Ohio address, **ROBERTS** urinated all over MV1's belongings. In addition, part of the harassing

communications Jane Doe was receiving from **ROBERTS** related to **ROBERTS** request for information about MV1 from Jane Doe.

17. Furthermore, while investigating additional law enforcement encounters with **ROBERTS**, your affiant learned that in July of 2020 a report was made indicating that **ROBERTS** had engaged in anal sex with an approximately six-year-old minor, (herein after referred to as Minor Victim Two or MV2). An initial forensic interview was conducted with MV2 in approximately July 2020 and, as a result of this investigation, a follow up forensic interview with MV2 was conducted in October 2023. In these interviews, MV2 disclosed that **ROBERTS** had anal sex with him from as early as he could remember until approximately 2020. MV2 also disclosed that **ROBERTS** performed oral sex on MV2 approximately 30 times. During the sexual abuse of MV2, **ROBERTS** would show MV2 videos or images of children engaged in sex acts and would record MV2 via a cellphone during the sexual abuse.
18. Based upon the foregoing, your affiant submits that there is probable cause to believe that Brian Joseph **ROBERTS** has committed the violations of 18 U.S.C. §§ 2251, 2252 and 2252A - the sexual exploitation of a minor, advertisement, distribution, receipt, and possession of child pornography. Therefore, your affiant respectfully requests this court issue a criminal complaint and arrest warrant.

Respectfully submitted,

Bianca Ragone

Bianca Ragone
Special Agent
Homeland Security Investigations

Subscribed and sworn to before me on



Kimberly A. Johnson
United States Magistrate Judge

